

1 **THE APPELLANT FURTHER CERTIFIES:**

2 1. That this appeal is subject to the mediation process required by M.R. App.
3 P.7. The money judgment being sought is not less than \$5,000.

4 2. That this appeal is not an appeal from an order certified as final under
5 M.R.Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's
6 certification order is attached hereto as Exhibit "A".

7 3. That the notice required by M.R. App. P. 27 has been or will be given,
8 within 11 days of the date hereof, to the Supreme Court and to the Montana
9 Attorney General with respect to a challenge to the constitutionality of any act of
10 the Montana Legislature.
11

12 4. That all available transcripts of the proceedings in this cause have been
13 ordered from the court reporter contemporaneously with the filing of this notice of
14 appeal. Appellant has complied with the provisions of M.R. App. P. 8(3)
15 contemporaneously with the filing of this notice of appeal.
16

17 5. That included herewith is the filing fee prescribed by statute, or the affidavit
18 to proceed without payment of the required filing fee prescribed in the Appendix of
19 Forms as Form 3.
20

21 DATED this 21st day of July, 2010.

22
23 
24 CHRISTOPHER J. GILLETTE
 Attorney for Thomas Ayer

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2 CERTIFICATE OF SERVICE

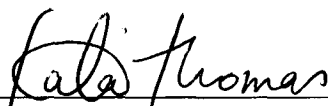
3 I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE
4 OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served
5 true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of
6 the District Court, each attorney of record, each court reporter from whom a
7 transcript will be ordered, and each party not represented by an attorney in the
8 above-referenced District Court action, as follows:
9

10 Dated this 21 day of July, 2010.

11
12 Cheryl Upshaw
13 P.O. Box 1186
14 Manhattan, MT 59741
Respondent, *Pro Se*

15 Gallatin County Clerk of District Court
16 Jennifer Brandon
17 615 S. 16th Ave., Room 302
Bozeman, MT 59715

18 Court Reporter of Gallatin County, Judge Mike Salvagni
19 Tami McNulty
20 615 South 16th Ave. Rm. 207
Bozeman, MT 59715

21 
22 Katie A. Thomas
23 11 East Main Street, Suite C
24 Bozeman, MT 59715
Legal Assistant to Christopher J. Gillette